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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,483	12/13/1999	Freeland Abbott	ATV-007	6737

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EXAMINER	
SALAD, ABDULLAHI ELMI	
ART UNIT	**PAPER NUMBER**
2157	18

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/532,483	ABBOTT ET AL.	
	Examiner	Art Unit	
	Salad E Abdullahi	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8 and 12-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *8,13-15,22 and 23* is/are allowed.

6)☒ Claim(s) *1,3-7,16-19 and 21-26* is/are rejected.

7)☒ Claim(s) *20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 December 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/27/2004 has been entered.

Allowable Subject Matter

2. Claims 8, 13-15 and 22-23 allowed.

3. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Applicant's argument with regard to claims 1, 3-7, 12, 16-19, 21, and 24-26 have been fully considered but they are persuasive for the following reasons.

Applicant alleges "there is no suggestion in the prior art to combine these two references in the manner suggested by the office action".

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Examiner relied upon the Carson reference the teaching of transmitting portion of file being less than the whole, thus enabling to update file without having to transmit the entire file [see col. 1, lines 37-39].

As per applicant's argument " in Christie et al., when object is created, it is assigned a unique identifier (UID). Each time an object is revised, the revised copy is assigned a new UID and treated as new object". Thus alleging "Christie teaches away from transmitting portion of file that is less than the whole file".

Examiner, respectfully disagrees because Christie teaches each object for replication has an original unique identifier ("UID") that is created at the time that the object is created. An object's original UID does not change when the object is modified. The original UID contains a site identifier that identifies the site at which the object was created. In addition to the original UID, an object has a self UID. An object may be modified or deleted by some event. An object's self UID is associated with the event that caused a change to the object. When an object is modified, the original UID remains unchanged and the self UID is modified. The new self UID is a unique identification. Either the original UID, the self UID, or both can be examined to determine whether the object has been modified. For example, if an object has a self UID that is not equal to its original UID, an event has modified the object. Further, if a site has a self UID for an object that is different than another site's self UID for the same object, the sites contain

different versions of the object [see col. 11, line 64 to col. 12, line 15].Thus, indicating only the modified version of the object, the new self UID is transmitted.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 3-7, 12, 16-19 and 21,24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christie et al U.S. Patent No. 6,182,117 in view of Carson U.S. Patent No. 5,978,805.

As per claim 1, Christie et al discloses a system for transmitting content, comprising the steps of:

- identifying, by a first server agent running on a first computer in a computer system, at least a portion of a file for transmission to a second server agent running on a second computer in the computer system, the first, and second server agents each providing an interface between the computer system and the first and second computers respectively (identifying changes made to objects in local site's database) (see figs. 3a and 3b and col. 3, lines 9-65 to col. 5, lines 13-20);
- transmitting at least the portion of the file from the first web server agent to the second web server agent (see col. 5, lines 13-37); and
- storing, by the second web server agent, at least the portion of the transmitted file (col. 6, lines 24-30 and col. 19, lines 21-27).

Christie is silent regarding: the portion of the file is less than the whole file.

Carson, in an analogous art discloses a system for synchronizing computer files from a source computer system to a destination system, including the step of transmitting a portion of a file where the file portion is less than entire file (see col. 1, lines 41 to col. 2, line 16). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with the teaching of Christie to utilize the file synchronization mechanism as taught by Carson such that the file can be replicated faster, thus providing the efficient use of communication system.

Christie and Carson, are silent regarding: utilizing web service system for providing web pages.

Nonetheless, utilizing web services for providing web pages would have been an obvious modification to the system of Christie and Carson. In addition, the system of Christie and Carson include two sites where data is replicated between the two sites, such sites are known to include variety of different servers such as application servers, web servers that provide web pages and etc. Hence, utilizing web servers would have been an obvious modification of the system of Christie and Carson because utilizing web servers for replicating data would be beneficial in order to efficiently replicate data from one particular web server to another web servers. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize web servers for the system of Christie and Carson because web servers are standard means of communication with high degree of performance, security, extensibility and they are scalable.

In considering claim 2, Christie et al., disclose a system, wherein the identifying step comprises identifying the entirety of the file (see col. 3, lines 9-65 to col. 5, lines 13-20); the transmitting step comprises transmitting the entirety of the file (see col. 5, lines 13-37); and

the storing step comprises storing, by the second web server agent, the entirety of the transmitted file (col. 6, lines 24-30 and col. 19, lines 21-27).

In considering claim 3, Christie discloses a system further comprising the step of repeating the identifying, transmitting, and storing steps (see col. 3, lines 46 to col. 4, line 41).

In considering claim 4, Christie discloses a system, wherein the identifying step comprises the step of identifying a portion of the file that was not previously transmitted (see col. 3, lines 46 to col. 4, line 41).

In considering claim 5, Christie discloses a system, wherein the identifying step comprises the step of identifying a portion of the file that was not previously transmitted (see col. 3, lines 46 to col. 4, line 41).

In considering claim 6, Christie discloses a system, further comprising, before the identifying step, the step of executing a program (a script or batch) that operates on the file (see col. 3, lines 19-21).

In considering claim 7, Christie discloses a system, wherein the identifying step comprises identifying, by the first server agent, at least a portion of the file, which comprises a log file about user data to the server (see col. 6, lines 50-57).

In considering claim 12, Christie discloses a system, wherein the identifying step comprises the step of identifying a portion of the file that was not previously transmitted (see col. 3, lines 46 to col. 4, line 41).

As per claim16, Christie et al discloses a system for transmitting content, comprising the steps of:

- identifying, by a first server agent running on a first computer in a computer system, at least a portion of a file for transmission to a second server agent running on a second computer in the computer system, the first, and second server agents each providing an interface between the computer system and the first and second computers respectively (identifying changes made to objects in local site's database) (see figs. 3a and 3b and col. 3, lines 9-65 to col. 5, lines 13-20);
- transmitting at least the portion of the file from the first web server agent to the second web server agent (see col. 5, lines 13-37); and
- providing by the second web server agent, the received portion of the transmitted file as input to a computer program (see col. 3, lines 9-46, col. 6, lines 24-30, col. 19, lines 21-27).

Christie is silent regarding: the portion of the file is less than the whole file.
Carson, in an analogous art discloses a system for synchronizing computer files from a source computer system to a destination system, including the step of transmitting a portion of a file where the file portion is less than entire file (see col. 1, lines 41 to col. 2,

line 16). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with the teaching of Christie to utilize the file synchronization mechanism as taught by Carson such that the file can be replicated faster, thus providing the efficient use of communication system.

Christie and Carson, are silent regarding: utilizing web service system for providing web pages.

Nonetheless, utilizing web services for providing web pages would have been an obvious modification to the system of Christie and Carson. In addition, the system of Christie and Carson include two sites where data is replicated between the two sites, such sites are known to include variety of different servers such as application servers, web servers that provide web pages and etc. Hence, utilizing web servers would have been an obvious modification of the system of Christie and Carson because utilizing web servers for replicating data would be beneficial in order to efficiently replicate data from one particular web server to another web servers. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize web servers for the system of Christie and Carson because web servers are standard means of communication with high degree of performance, security, extensibility and they are scalable.

As per claim 17, Christie et al discloses a system for transmitting content, comprising the steps of:

- identifying, by a first server agent running on a first computer in a computer

system, at least a portion of a file for transmission to a second server agent running on a second computer in the computer system, the first, and second server agents each providing an interface between the computer system and the first and second computers respectively (identifying changes made to objects in local site's database) (see figs. 3a and 3b and col. 3, lines 9-65 to col. 5, lines 13-20);

- transmitting at least the portion of the file from the first web server agent to the second web server agent (see col. 5, lines 13-37); and
- storing, by the second web server agent, at least the portion of the transmitted file (col. 6, lines 24-30 and col. 19, lines 21-27).
- running a computer program, running, by the first site agent, transmitting the output of the computer program from the first web server agent to a second web server agent running on a second computer in the web service system and storing by the second web server agent, the computer program output (the first site running a replication agent or replicator which synchronizes database file and transmits output of the synchronization process to the second site for storage) (see col. 3, lines 9-46).

Christie is silent regarding: the portion of the file is less than the whole file.

Carson, in an analogous art discloses a system for synchronizing computer files from a source computer system to a destination system, including the step of transmitting a portion of a file where the file portion is less than entire file (see col. 1, lines 41 to col. 2, line 16). Therefore, it would have been obvious to one having ordinary skill in the art at

the time of the invention presented with the teaching of Christie to utilize the file synchronization mechanism as taught by Carson such that the file can be replicated faster, thus providing the efficient use of communication system.

Christie and Carson, are silent regarding: utilizing web service system for providing web pages.

Nonetheless, utilizing web services for providing web pages would have been an obvious modification to the system of Christie and Carson. In addition, the system of Christie and Carson include two sites where data is replicated between the two sites, such sites are known to include variety of different servers such as application servers, web servers that provide web pages and etc. Hence, utilizing web servers would have been an obvious modification of the system of Christie and Carson because utilizing web servers for replicating data would be beneficial in order to efficiently replicate data from one particular web server to another web servers. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize web servers for the system of Christie and Carson because web servers are standard means of communication with high degree of performance, security, extensibility and they are scalable.

As per claim 18, Christie et al discloses a system for transmitting content, comprising the steps of:

- identifying, by a first server agent running on a first computer in a computer

system, at least a portion of a file for transmission to a second server agent running on a second computer in the computer system, the first, and second server agents each providing an interface between the computer system and the first and second computers respectively (identifying changes made to objects in local site's database) (see figs. 3a and 3b and col. 3, lines 9-65 to col. 5, lines 13-20);

- transmitting at least the portion of the file from the first web server agent to the second web server agent (see col. 5, lines 13-37); and
- storing, by the second web server agent, at least the portion of the transmitted file (col. 6, lines 24-30 and col. 19, lines 21-27).

Christie is silent regarding: the portion of the file is less than the whole file.

Carson, in an analogous art discloses a system for synchronizing computer files from a source computer system to a destination system, including the step of transmitting a portion of a file where the file portion is less than entire file (see col. 1, lines 41 to col. 2, line 16). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with the teaching of Christie to utilize the file synchronization mechanism as taught by Carson such that the file can be replicated faster, thus providing the efficient use of communication system.

Christie and Carson are silent regarding: utilizing web service system for providing web pages.

Nonetheless, utilizing web services for providing web pages would have been an obvious modification to the system of Christie and Carson. In addition, the system of

Christie and Carson include two sites where data is replicated between the two sites, such sites are known to include variety of different servers such as application servers, web servers that provide web pages and etc. Hence, utilizing web servers would have been an obvious modification of the system of Christie and Carson because utilizing web servers for replicating data would be beneficial in order to efficiently replicate data from one particular web server to another web servers. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize web servers for the system of Christie and Carson because web servers are standard means of communication with high degree of performance, security, extensibility and they are scalable.

As per claim 19, Christie et al discloses a system for transmitting content, comprising the steps of:

- identifying, by a first server agent running on a first computer in a computer system, at least a portion of a file for transmission to a second server agent running on a second computer in the computer system, the first, and second server agents each providing an interface between the computer system and the first and second computers respectively (identifying changes made to objects in local site's database) (see figs. 3a and 3b and col. 3, lines 9-65 to col. 5, lines 13-20);
- transmitting at least the portion of the file from the first web server agent to the second web server agent (see col. 5, lines 13-37); and

- storing, by the second web server agent, at least the portion of the transmitted file (col. 6, lines 24-30 and col. 19, lines 21-27).

Christie is silent regarding: the portion of the file is less than the whole file.

Carson, in an analogous art discloses a system for synchronizing computer files from a source computer system to a destination system, including the step of transmitting a portion of a file where the file portion is less than entire file (see col. 1, lines 41 to col. 2, line 16). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with the teaching of Christie to utilize the file synchronization mechanism as taught by Carson such that the file can be replicated faster, thus providing the efficient use of communication system.

Christie and Carson, are silent regarding: utilizing web service system for providing web pages.

Nonetheless, utilizing web services for providing web pages would have been an obvious modification to the system of Christie and Carson. In addition, the system of Christie and Carson include two sites where data is replicated between the two sites, such sites are known to include variety of different servers such as application servers, web servers that provide web pages and etc. Hence, utilizing web servers would have been an obvious modification to the system of Christie and Carson because utilizing web servers for replicating data would be beneficial in order to efficiently replicate data from one particular web server to another web servers. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize web servers for the system of Christie and Carson because web servers are standard means

of communication with high degree of performance, security, extensibility and they are scalable.

As per claim 21, "official notice" is taken that both the concept and advantage of resolving an IP address into a domain name service is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to resolve an IP address into a domain name service, because domain names are easier to remember.

As to claim 24, the method of claim 16, further comprising storing the transmitted file on the second computer with a file name that includes a name of the first computer as portion (see col. 11, line 64 to col. 12, line 15).

As to claim 25 and 26, "official notice" is taken that both the concept and advantage of using JAVA methods is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize JAVA methods to identify and transmit portion of the file because Java method (i.e., code) is portable to many other operating systems.

CONCLUSION

7. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 703-308-8441. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should mailed to:

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Washington, DC 20231

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Abdullahi Salad
Examiner AU 2157
5/13/2004